

**DEPARTMENT OF FISH AND GAME**

**HABITAT AND RESTORATION DIVISION**

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE: (907) 344-0541

**FISH HABITAT PERMIT FG 96-II-0208**

**ISSUED:** April 16, 1996  
**EXPIRES:** December 30, 1997

City of Unalaska  
Attn: Mr. Bill Bradshaw  
Acting Director, Public Works  
Post Office Box 610  
Unalaska, AK 99685

*Om*

Dear Mr. Bradshaw:

RE: Salmon/Gilman Way and Broadway Avenue, Phase IV Road Work  
Unalaska Lake, Waterbody N<sup>o</sup> 302-31-10500-0010 and  
Shop Creek, Waterbody N<sup>o</sup> 302-31-10500-2003  
Section 11, T. 73 S., R. 118 W., S.M.  
SID GC-7; COE NWP 12

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to upgrade several roads at Unalaska, Alaska. The Salmon/Gilman way portion of the project does not affect fish bearing streams and requires no permits from the ADF&G. The Broadway Avenue portion of the project entails the installation of a storm drain collection, treatment, and discharge system which will require placement of a limited amount of riprap in anadromous fish bearing waters. At station 120+00 (i.e., west of the Dutton Road - Broadway Avenue intersection) about 30 cubic yards of riprap will be placed beneath the perched storm drain outfall to prevent erosion of the Unalaska Lake shoreline. Approximately half of the material will be located below the ordinary high water level of the lake. At station 149+00 about 10 cubic yards of riprap will be placed beneath the perched storm drain outfall to prevent erosion of the Shop Creek streambank. Most of the material will be located below the ordinary high water level of the stream.

Both Unalaska Lake and Shop Creek have been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). The lake supports spawning and rearing sockeye and rearing coho salmon; the creek supports spawning and rearing coho salmon.

In accordance with AS 16.05.870(d), project approval is hereby given. If conducted according to the plans submitted for review no stipulations are required.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Habitat and Restoration Division, and

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF FISH AND GAME

### HABITAT AND RESTORATION DIVISION

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE (907) 344-0541  
FAX (907) 349-1723

FISH HABITAT PERMIT FG 94-II-0265

ISSUED: May 9, 1994  
EXPIRES: December 31, 1995

City of Unalaska  
Attn: Mr. Brian Spetz  
Public Works Department  
P.O. Box 307  
Unalaska, Alaska 99685

Dear Mr. Spetz:

Re: Riprap Placement in Unalaska Lake  
NE1/4 Section 11, T. 73 S., R. 118 W., S.M.  
Waterbody Number 302-31-10500-0010  
COE No. D-920265

Pursuant to AS 16.05.870(b) the Alaska Department of Fish and Game (ADF&G) has reviewed your agent's request for renewal of Fish Habitat Permit FG 92-II-0567 which expired on December 31, 1993. We understand that none of the work has yet been accomplished. The originally authorized work was to repair and stabilize a 300-foot long section of Broadway Avenue found adjacent to a portion of the north shore of Unalaska Lake at the referenced location. From the information contained in the original application and from a telephone conversation with you on July 21, 1992, we understand that clean, quarried riprap will be placed using a backhoe. The riprap material will not be end dumped. Of the estimated 944 cubic yards (CY) of riprap to be placed, approximately 122 CY will be placed below the ordinary high water (OHW) level of the lake. The footprint of the fill within the lake will be approximately 200 square feet. Maximum intrusion of the riprap into the lake below OHW will be about 8 feet and the total length of fill within the lake, measured parallel with the shoreline, will be approximately 50 feet. From a U.S. Army Corps of Engineer's, Regulatory Branch letter dated May 18, 1992, we understand that federal approvals of the project will be covered under the terms of a Nationwide Permit.

Unalaska Lake has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). Your proposed project is found in a portion of

May 9, 1994

the lake that supports rearing sockeye and coho salmon. However, your proposed project should not adversely affect these fish resources if conducted according to plans submitted for review and as summarized in the paragraph above.

In accordance with AS 16.05.870(d), project approval is hereby given.

The permittee is responsible for the actions of contractors, agents, or other persons who perform work to accomplish the approved plan. For any activity that significantly deviates from the approved plan, the permittee shall notify the ADF&G, Habitat and Restoration Division and obtain written approval in the form of a permit amendment before beginning the activity. Any action taken by the permittee or an agent of the permittee that increases the project's overall scope or that negates, alters, or minimizes the intent or effectiveness of any stipulation contained in this permit will be deemed a significant deviation from the approved plan. The final determination as to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G. Therefore, it is recommended that the ADF&G, Habitat and Restoration Division be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. This permit must be retained on site during riprap placement activities. Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal, or local.

Pursuant to 6 AAC 80.010 (b), the conditions of this permit are consistent with the Standards of the Alaska Coastal Management Program and the Aleutians West Coastal Management Program.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

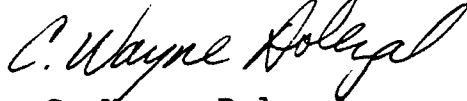
The recipient of this permit (the permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims, actions or liabilities for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect if, and only if, the sole proximate cause of the injury is the department's negligence.

May 9, 1994

This permit decision may be appealed in accordance with the provisions of AS 44.62.330--44.62.630.

Sincerely,

McKie Campbell, Deputy Commissioner



By: C. Wayne Dolezal  
Habitat Biologist  
Habitat and Restoration Division  
(907) 267-2284

cc: R. Morrison, ADF&G  
D. Richards, AWCRSA  
C. Madden, Wince-Corthell-Bryson

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

WALTER J. HICKEL, GOVERNOR

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE: (907) 344-0541

FISH HABITAT PERMIT FG 92-II-0567

August 3, 1992

DMC

City of Unalaska  
Attn: Mr. Brian Spetz  
Public Works Department  
P.O. Box 307  
Unalaska, Alaska 99685

Dear Mr. Spetz:

Re: Riprap Placement in Unalaska Lake  
(NE1/4 Section 11, T. 73 S., R. 118 W., S.M.)  
(Waterbody Number 302-31-10500-0010)  
(COE No. D-920265)

Pursuant to AS 16.05.870(b), the Alaska Department of Fish and Game (ADF&G) has reviewed your proposal to repair and stabilize a 300 foot long section of Broadway Avenue found adjacent to a portion of the north shore of Unalaska Lake at the referenced location. From the information contained in the application and from a telephone conversation with you on July 21, 1992, we understand that clean, quarried riprap will be placed using a backhoe. The riprap material will not be end dumped. Of the estimated 944 cubic yards (CY) of riprap to be placed, approximately 122 CY will be placed below the ordinary high water (OHW) level of the lake. The footprint of the fill within the lake will be approximately 200 square feet. Maximum intrusion of the riprap into the lake below OHW will be about 8 feet and the total length of fill within the lake, measured parallel with the shoreline, will be approximately 50 feet. From a U.S. Army Corps of Engineer's, Regulatory Branch letter dated May 18, 1992, we understand that federal approvals of the project will be covered under the terms of a Nationwide Permit.

Unalaska Lake has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). Your proposed project is found in a portion of the lake that supports rearing sockeye and coho salmon. However, your proposed project should not adversely affect these fish resources if conducted according to plans submitted for review and as described in the paragraph above.

In accordance with AS 16.05.870(d) (commonly referred to as the Anadromous Fish Act), project approval is hereby given.

August 3, 1992

For any activity which significantly deviates from the approved plan the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G; therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. This permit must be retained onsite riprap installation operations and expires on December 31, 1993. Please be advised that this approval does not relieve you of the responsibility for securing other permits, state, federal, or local.


Pursuant to 6 AAC 80.010(b), the conditions of this permit are consistent with the Alaska Coastal Management Program and the Standards of the Aleutians West Coastal Management Plan.

In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The Department reserves the right to require mitigation measures to correct disruption of fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law. This permit decision may be appealed in accordance with the provision of A.S. 44.62.330-44.62.630.

The recipient of this permit (permittee) shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect, if, but only if, the sole proximate cause of the injury is the department's negligence.

Sincerely,

Ron Somerville, Deputy Commissioner



By: C. Wayne Dolezal  
Habitat Biologist  
Region II  
Habitat Division  
(907) 267-2284

August 3, 1992

cc: D. Kohler, COE  
R. Thompson, ADNR/DL  
A. Smith, OMB/DGC  
D. Roe, FWP  
K. Griffin, ADF&G  
D. Richards, AWCERSA

# STATE OF ALASKA

## DEPARTMENT OF FISH AND GAME

WALTER J. HICKEL, GOVERNOR

333 RASPBERRY ROAD  
ANCHORAGE, ALASKA 99518-1599  
PHONE: (907) 344-0541

### FISH HABITAT PERMIT FG 92-II-0119

April 15, 1992

Brian Spetz  
Public Works Engineer  
City of Unalaska  
P. O. Box 89  
Unalaska, Alaska 99685



Dear Mr. Spetz:

Re: Erosion Control - Broadway Avenue, Unalaska Lake  
(Stream No. 302-31-10500-0010)  
(S. 11, T. 73 S., R. 118 W., S.M.)

Pursuant to AS 16.05.870 (b), the Alaska Department of Fish and Game (ADF&G) has reviewed your after the fact application to place fill into Unalaska Lake as part of a Broadway Avenue repair project. Your project entails placing additional fill on either side of Broadway Avenue to facilitate the replacement of guardrails and the construction of a bicycle path.

We understand that construction was completed several months ago. While you apparently received authorization from the U. S. Army Corps of Engineers, no ADF&G authorizations were issued.

Unalaska Lake has been specified as being important for the spawning, rearing, or migration of anadromous fish pursuant to AS 16.05.870(a). Unalaska Lake supports spawning sockeye, coho, and pink salmon.

State law (AS 16.05.870(b)) requires that ADF&G be notified before beginning construction within specified anadromous waterbodies. Further, written approval must be obtained prior to beginning construction activities. Construction activities without approval is a violation of AS 16.05.880 and is a Class A misdemeanor. The activities at this site were conducted without the ADF&G approval required by AS 16.05.870.

Because construction activities have been completed and because in this instance, minimal fish habitat impacts are expected to result from placement of riprap, an after the fact permit will be issued. In the future however, you are strongly advised to contact the ADF&G's Habitat Division Anchorage office prior to any construction



April 15, 1992

in or near lakes, rivers, or streams. Remember to allow for sufficient time (30 to 50 day processing time) for agency review prior to your proposed construction start-up.

In accordance with AS 16.05.870(d) (commonly referred to as the Anadromous Fish Act), project approval is hereby given with no stipulations.

For any activity which significantly deviates from the approved plan the permittee shall notify the ADF&G and obtain written approval in the form of a permit amendment prior to commencement of the activity. Any action taken by the permittee which increases the overall scope of the project or which negates, alters or minimizes the intent or effectiveness of any stipulation contained in this permit will be considered a significant deviation from the approved plan. The final determination relative to the significance of any deviation and the need for a permit amendment is the responsibility of the ADF&G; therefore, it is recommended that the ADF&G be consulted immediately when a deviation from the approved plan is being considered.

This letter constitutes a permit issued under the authority of AS 16.05.870. Please be advised that our approval does not relieve you of the responsibility of securing other permits: state, federal, or local.

Pursuant to 6 AAC 80.010(b), the conditions of this permit are consistent with the standards of the Alaska and Aleutians West Coastal Management Programs.

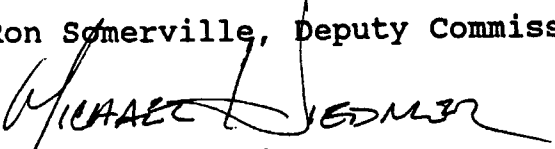
In addition to the penalties provided by law, this permit may be terminated or revoked for failure to comply with its provisions or failure to comply with applicable statutes and regulations. The department reserves the right to require mitigation measures to correct disruption to fish and game created by the project and which were a direct result of the failure to comply with this permit or any applicable law.

The recipient of this permit shall indemnify, save harmless, and defend the department, its agents, and its employees from any and all claims or actions for injuries or damages sustained by any person or property arising directly or indirectly from permitted activities or the permittee's performance under this permit. However, this provision has no effect, if, but only if, the sole proximate cause of the injury is the department's negligence.

April 15, 1992

Sincerely,

Ron Somerville, Deputy Commissioner

  
By: Michael Wiedmer  
Habitat Biologist  
Habitat Division  
Telephone 267-2284

cc: K. Griffin, ADF&G  
D. Kohler, COE  
D. Richards, Aleutians West CRSA